

36.11.441 SENSITIVE SPECIES - COMMON LOON . (1) The department shall manage for common loons in the following manner:

- (a) For all lakes where common loon nesting pairs exist:
 - (i) limit construction of new permanent roads, structures, or permanent developments within a 500-foot radius of the nest site; and
 - (ii) limit mechanized activity within a 500-foot radius of the nest site between April 15 and July 15.
- (b) For lakes which have been recently occupied but for which no currently nesting pair resides:

- (i) survey lakeshores for nesting loons prior to developing plans for lakeshore development, road construction, or timber harvest that will occur within 500 feet of the lakeshore;

- (ii) prior to finalizing plans for any new roads, developments, timber sales, or intensive motorized activity that will occur on or near any lake potentially suitable for use by loons, design appropriate mitigation measures specific to the situation; and

- (iii) if nesting is not documented, identify sites for proposed projects that would least likely be occupied by nesting loons in the future. (History: 77-1-202, 77-1-209, 77-5-201, 77-5-204, MCA; IMP, 77-5-116, 77-5-204, 77-5-206, 77-5-207, MCA; NEW, 2003 MAR p. 397, Eff. 3/14/03.)